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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,753	04/25/2001	Outi Aho	460-010296-US(PAR)	8264
7590 Clarence A. Green Perman & Green, LLP 425 Post Road Fairfield, CT 06430			EXAMINER NAWAZ, ASAD M	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 08/20/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/842,753

**Applicant(s)**

AHO ET AL.

**Examiner**

ASAD M. NAWAZ

**Art Unit**

2155

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No.(s)/Mail Date: \_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No.(s)/Mail Date: \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the amendment received 7/14/08. Claims 1, 9, and 17 were amended. No new claims were added. No claims have been canceled. Accordingly, claims 1-17 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Preston et al, USPGPUB 2002/0032853, (hereafter Preston).**

As per claim 1, Gleeson teaches a method for transmitting information between applications executed in a first and a second data transmission device in a data transmission system (abstract, Fig 2a and 2b)

using a data transmission protocol in the information transmission (0035,0046)

entirely forming messages from the information to be transmitted without using information from other layers, by an application layer of a protocol stack of the first data transmission device, said entirely formed messages being different from said information to be transmitted (Figs 1, 2A-B, 0013, 0036, 0040-0042)

performing one or more protocol conversions in the protocol stack for said entirely formed messages to form frames of a lower layer of said protocol stack (abstract, 0040-0042)

transferring the frames to a physical layer of said protocol stack for transmission (0036)

and transmitting the frames between the first data transmission device and the second transmission device(0040-0042).

Claims 9 and 17 are rejected by similar rationale as claim 1.

As per claims 2-3 and 10-11, Gleeson teaches transmitting at least two types of components in the messages, wherein the messages contain information on the type of the message transmitted in the message (abstract, 0013); a header field, on the basis of which the type of the message is determined (0040).

As per claims 4 and 12, Gleeson does not explicitly teach dividing said header field at least into first and second different parts, wherein the first part is used in all messages and the second part is used, if necessary, in the transmission of the typespecific information of the message transmitted in the message (0017, 0049).

As per claims 5 and 13, Gleeson teaches providing messages with a data field to transmit information produced in the application (0036).

As per claims 6 and 14, Gleeson teaches using the protocol stack at least a session layer between the application layer and the physical layer (Fig 2A) in which the protocol used therein contains data frames, containing at least a header field and a data field (data packet contains header and data fields), wherein the method further comprises transferring messages produced in the application layer to the data field of the data frames of the session layer (0040-0042).

As per claims 7 and 15, Preston teaches the method and apparatus according to claims 1 and 9 comprising using WAP at least partly as the data transmission system (0035,0046).

As per claims 8 and 16, Gleeson teaches using the Internet data transmission network at least partly used as the data transmission system (0060).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMN

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/saleh najjar/

Supervisory Patent Examiner, Art Unit 2155